

REMARKS

Claims 1-10 are pending in this application. Claims 6-8 have been withdrawn by the Examiner. By this Amendment, claims 5 and 10 are amended for clarity. The amendment to claim 10 is supported in the specification by at least paragraphs [0054] - [0056] and [0196], and the amendment to claim 5 is supported in the specification by at least paragraphs [0151] - [0153]. Thus, no new matter is added.

I. Claim Rejection Under 35 U.S.C. §112

Claim 10 is rejected under 35 U.S.C. §112, first paragraph, because the claim allegedly fails to comply with the written description requirement. The rejection is respectfully traversed.

By this Amendment, claim 10 is amended to clarify that it is directed to a "computer-readable recording medium storing a program." This is supported, for example, in the specification at paragraphs [0054] - [0056] and [0196]. Thus, it is respectfully submitted that claim 10 complies with the written description requirement. Therefore, it is respectfully requested that the rejection be withdrawn.

II. Rejections Under 35 U.S.C. §103

Claims 1, 3 and 9 are rejected under 35 U.S.C. §103(a) over Boothby, U.S. Patent Publication No. 2001/0014893, in view of Veghte et al. (Veghte), U.S. Patent No. 5,897,640, and further in view of Williams et al. (Williams), U.S. Patent Publication No. 2004/0219890; claim 2 is rejected under 35 U.S.C. §103(a) over Boothby in view of Veghte and Williams and further in view of Duncombe et al. (Duncombe), U.S. Patent Publication No. 2003/0120685; and claims 4, 5 and 10 are rejected under 35 U.S.C. §103(a) over Boothby in view of Veghte and Williams and further in view of Multer et al. (Multer), U.S. Patent Publication No. 2002/0010807. The rejections are respectfully traversed.

With regard to independent claims 1, 9 and 10, the Office Action acknowledges that Boothby fails to disclose deleting an update time from the extracted newly updated data, as recited in claims 1, 9 and 10. However, the Office Action alleges that such is taught by Veghte. Veghte merely discloses that "last reconciliation time-stamps" are deleted from a synchronization database 8 (col. 8, lines 14-17), and further discloses that the deletions are done only when a selected file is "dropped into" a dedicated folder 5 that is not a removable storage media (col. 7, lines 46-57, col. 8, lines 10-14, and Fig. 3A). Veghte thus only discloses the overwriting of time-stamps in a file transfer process involving a single computer, and thus does not involve communications between a wearable computer and another computer. Additionally, the file deletions of Veghte are for the entire file that is moved, and not specific to extracted newly updated data. Further, Williams does not account for the deficiencies of Veghte. Therefore, the combination of Boothby, Veghte and Williams fails to disclose or suggest every feature of claims 1, 9 and 10.

Further, the Office Action also fails to acknowledge or address the argument presented in the February 23 Amendment that the applied references fail to disclose sending extracted newly updated data as the backup data to a wearable computer, as recited in claims 1, 9 and 10. The Office Action appears to base its rejections on the prior versions of claims 1, 9 and 10. As shown at page 4 of the Office Action, the rejections are based on an assertion that Boothby discloses a data sending device that sends backup data, which fails to acknowledge that claims 1, 9 and 10 were previously amended to recite that the data sending device sends extracted newly updated data. It is respectfully submitted that none of the applied references disclose or suggest a data backup system, data backup method, or a computer-readable recording medium storing a program, that causes execution of a data backup process involving a portable information terminal that sends newly updated data of the data stored in a first storage device. Boothby only discloses a synchronization program

that sends the entire record stored in a handheld device (paragraph [0048]). Boothby thus does not disclose or suggest sending only newly updated data. Veghte and Williams fail to account for this deficiency.

With regard to independent claim 5, the Office Action interprets first communication identifier and second communication identifier to include file names or the "data record" names of Boothby. However, claim 5 as amended, recites a first receiving device to receive a first communication identifier code and a second communication identifier code of the portable information terminal from the portable information terminal. Thus, the communication identifier is not a file name or "data record" name as in Boothby, but a code. Veghte, Williams and Multer fail to account for this deficiency.

For the foregoing reasons, the applied references, alone or in combination, fail to disclose all of the features recited in independent claims 1, 5, 9 and 10. With regard to claims 2-4, none of the applied references overcome the deficiencies of Boothby, Veghte and Williams with respect to claim 1. As such, the applied references, alone or in combination, cannot suggest the subject matter of claims 2-4, which depend from claim 1, for at least the reasons discussed above as well as for the additional features recited therein.

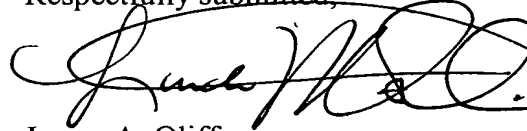
Thus, it is respectfully requested that the rejections be withdrawn.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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